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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALIGN TECHNOLOGY, INC.,  
Plaintiff(s),  
v.  
ORTHOCLEAR, INC., ET AL.,  
Defendant(s).

Case No. C05-2948 MMC (JCS)

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL DEPOSITIONS  
OF OMER JAVED, PETER  
RIEPENHAUSEN, JOE BREELAND,  
CRAIG CRAWFORD, AND ROSS  
MILLER [Docket No. 100]**

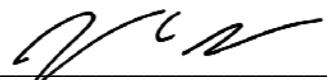
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On March 31, 2006, Plaintiff filed a Motion to Compel Depositions of Omer Javed, Peter Riepenhausen, Joe Breeland, Craig Crawford, and Ross Miller (the "Motion").

IT IS HEREBY ORDERED that the Motion is DENIED for failure to comply with the Court's February 13, 2006 Order [See Docket No. 57]. The meet-and-confer efforts of counsel to resolve this Motion have been inadequate. If the parties are unable to resolve further issues on the timing and scope of discovery the Court will consider the additional step of 1) ordering lead trial counsel for Plaintiff and lead trial counsel for Defendant to attend an in-person meet-and-confer session in Judge Spero's jury room, and 2) that the Chief Executive Officer (CEO) of each company shall personally attend the meet-and-confer session with lead trial counsel.

IT IS SO ORDERED.

Dated: April 5, 2006

  
JOSEPH C. SPERO  
United States Magistrate Judge